

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS ANNUITY FUND, and NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS
APPRENTICESHIP, JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, by their
trustees FRANK SPENCER, DOUGLAS J.
McCARRON, JOHN BALLANTYNE, PAUL TYZNAR,
PAUL O'BRIEN, KEVIN M. O'CALLAGHAN,
CATHERINE CONDON, DAVID MEBERG, BRYAN
WINTER, and JOHN DeLOLLIS,

11-Civ-5474

ANSWER

Plaintiffs,

-against-

MICHAEL FORDE, JOHN GREANEY, JOSEPH
OLIVIERI, BRIAN HAYES, MICHAEL MITCHELL,
FINBAR O'NEILL, K.A.F.C.I., MICHAEL BRENNAN,
TURBO ENTERPRISES, INC., TERENCE BUCKLEY,
PITCOHN CONSTRUCTION ENTERPRISES, INC.,
GERARD McENTEE, PYRAMID ASSOCIATES
CONSTRUCTION CORP., JAMES DUFFY,
EMB CONTRACTING CORP., MICHAEL BATALIAS,
ELISAVET BATALIAS, MATTHEW KELLEHER,
BRIAN CARSON, JOSEPH RUOCCO,
JOHN STAMBERGER, and MICHAEL VIVENZIO,

Defendants.

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Defendant TURBO ENTERPRISES, INC., by its attorney, NIALl MAC
GIOLLABHUI, LAW OFFICE OF MICHAEL G. DOWD, answers the First Amended
Complaint of Plaintiffs as follows:

1. Defendant TURBO ENTERPRISES, INC. denies the allegations
pertaining to it in paragraphs 1, 27-28, 47-48, 51, 58-66, 72, 78, 95, 119-123, 128, 152-164, and

167-176, inclusive. Defendant TURBO ENTERPRISES, INC. denies knowledge or information sufficient to form a belief with respect to the truth of the remaining allegations of fact set forth in these paragraphs.

2. Defendant TURBO ENTERPRISES, INC. neither admits nor denies the allegations set forth in paragraphs 2-4, 150-151, and 166, inclusive, as they are not allegations of fact.

3. Defendant TURBO ENTERPRISES, INC. denies knowledge or information sufficient to form a belief with respect to the truth of the allegations set forth in paragraphs 5-25, 29-46, 49-50, 52-57, 67-71, 73-77, 79-94, 96-118, 124-148, 178-182, 184-188, 190-194, 196-200, 202-206, 208-213, 215-220, 222-227, 229-234, 236-241, and 243-248, inclusive.

4. Defendant TURBO ENTERPRISES, INC. denies the allegations set forth in paragraphs 149, 165, 177, 183, 189, 195, 201, 207, 214, 221, 228, 235, and 242, except as otherwise pleaded herein.

FIRST AFFIRMATIVE DEFENSE

5. Plaintiffs' action is barred by the statute of limitations.

SECOND AFFIRMATIVE DEFENSE

6. Plaintiffs' action is barred by the grievance procedure, including arbitration, mandated by the applicable collective bargaining agreements.

THIRD AFFIRMATIVE DEFENSE

7. Plaintiffs' action is barred by the doctrine of economic duress.

FOURTH AFFIRMATIVE DEFENSE

8. Plaintiffs' action is barred by the doctrine of estoppel.

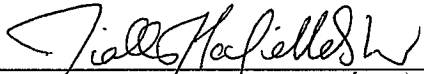
FIFTH AFFIRMATIVE DEFENSE

9. The Court lacks jurisdiction over Defendant TURBO ENTERPRISES, INC.

Defendant TURBO ENTERPRISES, INC. demands a trial by jury of all claims pursuant to Federal Rule of Civil Procedure 38.

WHEREFORE, Defendant TURBO ENTERPRISES, INC. prays that the Court dismiss the Complaint and enter judgment in its favor, and that it be awarded such other and further relief as this Court deems just and proper.

Dated: New York, New York
August 23, 2012



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